

Attorney Docket No. 844-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X
Re Application of

Pascazi

Examiner: TBA

Group Art Unit: 2681

Serial No. 09/902,466

Filed: July 10, 2001

For: SYSTEM AND METHOD FOR CELL PHONE SIGNAL TRANSMISSION
VIA THE INTERNET
-----X

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
MAY 25 2004
Technology Center 2600

Dear Sirs:

Applicant hereby file this Petition to Withdraw Holding of Abandonment pursuant to 37 CFR 1.181.

Pursuant to 37 CFR 1.181(b), embodied herein is a concise statement of the pertinent facts and the necessary Exhibits to support this petition. It is asserted by the Applicant that no fee is due under this Petition to Withdraw Holding of Abandonment.

On October 15, 2001, Applicant filed a Response to Notice to File Missing Parts, attached hereto as Exhibit 1 is a copy of the response as filed that was received at the U.S. Patent

Office on October 18, 2001. A copy of the stamped return postcard is attached hereto as Exhibit

2. A Notice of Abandonment was mailed on November 26, 2003 stating that the present application went abandoned for failure to respond to the Notice to File Missing Parts mailed on August 31, 2001. A copy of the Notice of Abandonment is attached hereto as Exhibit 3.

This Petition to Withdraw Holding of Abandonment has been prepared immediately and all reasonable steps have been taken to promptly correct the U.S. Patent Office mistake.

Applicant respectfully submits that the U.S. Patent Office's abandonment of this Application is in error and that the Response to the Notice of Missing Parts was timely filed.


As such, Applicant submits this grantable Petition to Withdraw Holding of Abandonment and requests that the Office of Petitions withdraw the abandonment of this Application.

Applicant authorizes the U.S. Patent Office to charge any additional fees that may arise under this petition to deposit account No. 19-2825 order number 844-002.

Respectfully Submitted,

SOFER & HAROUN

By:


Joseph Sofer

Reg No. 34,438

317 Madison Avenue

Suite 910

New York, NY 10017

(212) 697-2800

Dated:

12/5/03

EXHIBIT 1

FOR SECURITY PURPOSES, THE BORDER OF THIS DOCUMENT CONTAINS MICROPRINTING

ADVANCED ADVISORY CORP.
232 NEW HACKENSACK ROAD
WAPPINGERS FALLS, NY 12590

THE
BANK OF
NEW
YORK

ROUTE 9
WAPPINGERS FALLS, NY 12590

50-235/219

0001066

NUMBER

0001066

AMOUNT

\$420.00

DATE

10/9/01

TO THE
ORDER
OF

Commissioner of Patents & Trademarks

W. S. P. Pres.

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK. HOLD AT AN ANGLE TO VIEW

⑈001066⑈ ⑈021902352⑈ ⑈6800867892⑈

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

- Documents:
- 1) Response to Notice to File Missing Parts
 - 2) Notice to File Missing Parts
 - 3) Certificate of Mailing
 - 4) Return Postcard
 - 5) Small Entity Form
 - 6) Check for \$420.00
 - 7) Declaration

Date Documents Mailed: October 15, 2001

For Application-----
Title: SYSTEM AND METHOD FOR CELL PHONE....
Serial No. 09/902,466
Art Unit: TBA
Docket No.: 844-002

Applicant: Michael Pascazi
Filing Date: July 10, 2001
Attorney: Robert M. Haroun

RECEIVED

MAY 25 2004

Technology Center 2000

PATENT

Docket No. 844-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Pascazi
Serial No. : 60/217,554
Filed : July 12, 2000
For : SYSTEM AND METHOD FOR CELL PHONE TO CELL
PHONE SIGNAL TRANSMISSION VIA THE INTERNET

Examiner: TBA
Group Art Unit: 2681

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

I hereby certify that the attached Response to Notice to File Missing Parts, Notice to File Missing Parts, Small Entity Form, Check for \$420.00, Informal Drawings, Declaration, and Return Postcard along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By: 
Ester Aronova

Date: 10/15/01

Mailing Address:

SOFER & HAROUN, L.L.P.
342 Madison Avenue, Suite 1921
New York, New York 10173
Tel:(212) 697-2800
Fax:(212) 697-3004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X
In re Application of

Pascazi

Serial No.: 09/902,466

Filed: July 10, 2001

For: SYSTEM AND METHOD FOR CELLPHONE
TO CELL PHONE SIGNAL TRANSMISSION
VIA THE INTERNET
-----X

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED**

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

S I R:

Enclosed with this Response, please find a check in the amount of \$420.00

(for the basic application filing fee and surcharge) along with a Small Entity Form and

Declaration. A copy of PTO-1533, Notice to File Missing Parts of Application, is also enclosed.

Any additional fees required in connection with this application may be charged
to Deposit Account No. 19-2825.

Respectfully submitted,
SOFER & HAROUN, LLP

By: 

Robert M. Haroun
Reg. No. 34,345
342 Madison Avenue, Suite 1921
New York, New York 10173
(212) 697-2800

Dated: October 15, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/902,466	07/10/2001	Michael Pascazi	844-002

CONFIRMATION NO. 6786

FORMALITIES LETTER



OC000000006504865

SOFER & HAROUN, L.L.P.
Suite 1921
342 Madison Avenue
New York, NY 10173

Date Mailed: 08/31/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 420.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

S. Schaefer

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COMBINED DECLARATION, POWER OF ATTORNEY & PETITION

TYPE OF DECLARATION

- ☒ Utility
- ☐ Design
- ☐ Supplemental
- ☐ Divisional
- ☐ Continuation
- ☐ Continuation-in-part
- ☐ National Stage of the PCT

INVENTORSHIP AND SPECIFICATION IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

**SYSTEM AND METHOD FOR CELLPHONE TO CELL PHONE SIGNAL
TRANSMISSION VIA THE INTERNET**

as described and claimed in the specification which

☐ is attached hereto.

☒ was filed on July 10, 2001

☒ as U.S. Serial Number. 09/902,466; or

☐ Express Mail No. _____ (as serial number not yet known); and

☐ was amended on _____.

☐ was described and claimed in PCT International Application No. _____ filed on _____; and

☐ as amended under PCT Article 19 and/or 34 on _____.

REVIEW OF PAPERS AND DUTY OF CANDOR

I have reviewed and understand the contents of the attached specification including the drawing and claims as amended by any amendment referred to below; and

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, in accordance with 37 CFR 1.56(a); and

☐ in compliance with this duty there is attached an information disclosure statement.

PRIORITY CLAIMS

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign applications for patent applications for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year/Filed)	[] Yes	[] No
-------------------	--------------------	---------------------------------	------------	-----------

_____ (Number)	_____ (Country)	_____ (Day/Month/Year/Filed)	[] Yes	[] No
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I hereby claim the benefit under Title 35, United States Code, § 120 of any **United States Application(s)** listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States Application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

60/217,554	July 12, 2000	Pending
(Application Serial No.)	(Filing Date)	(Status: Patented, Pending, Abandoned)

_____ (Application Serial No.)	_____ (Filing Date)	_____ (Status: Patented, Pending, Abandoned)
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DECLARATION

I declare that all statements made above of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

POWER OF ATTORNEY

I hereby appoint the following patent attorneys and/or patent agent(s) with full power of appointment, substitution and revocation to prosecute this application, to make alterations and amendments thereto, to receive the patent, and to transact all business in the Patent Office connected therewith.

Joseph Sofer (Reg. No. 34,438)
Robert M. Haroun (Reg. No. 34,345)

Please address all telephone calls and correspondence to:

Joseph Sofer, Esq.
SOFER & HAROUN, L.L.P.
342 Madison Avenue
Suite 1921
New York, New York 10173
Telephone: (212) 697-2800
Facsimile: (212) 697-3004

PETITION

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the above-mentioned specification and claims, and I hereby subscribe my name to the foregoing Declaration, Power of Attorney & Petition with references to the above-identified specification and claims.

SIGNATURES

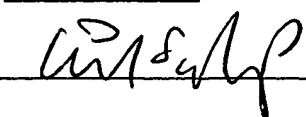
Name of sole
inventor:

Michael Pascazi

Home Address: 1 Clove Court, Hopewell Junction, NY 12533

Post Office Address: Same as above

Citizenship: USA

Inventor's Signature:  Date: 10/9/01

Applicant or Patentee: Pascazi
Attorney's Docket No.: 844-002
Serial or Patent No.: 09/902,466
Filed or Issued: July 10, 2001
Title: SYSTEM AND METHOD FOR CELL PHONE TO CELL PHONE SIGNAL TRANSMISSION VIA THE INTERNET

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(b)) - INDEPENDENT INVENTOR

As an above named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled

SYSTEM AND METHOD FOR CELL PHONE TO CELL PHONE SIGNAL TRANSMISSION VIA THE INTERNET

described in

☐ the specification filed herewith
☒ application serial no. 09/902,466 filed July 10, 2001
☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization
☐ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME: Michael Pascazi

ADDRESS: 1 Cloue Court Hopewell Jct., NY 12533

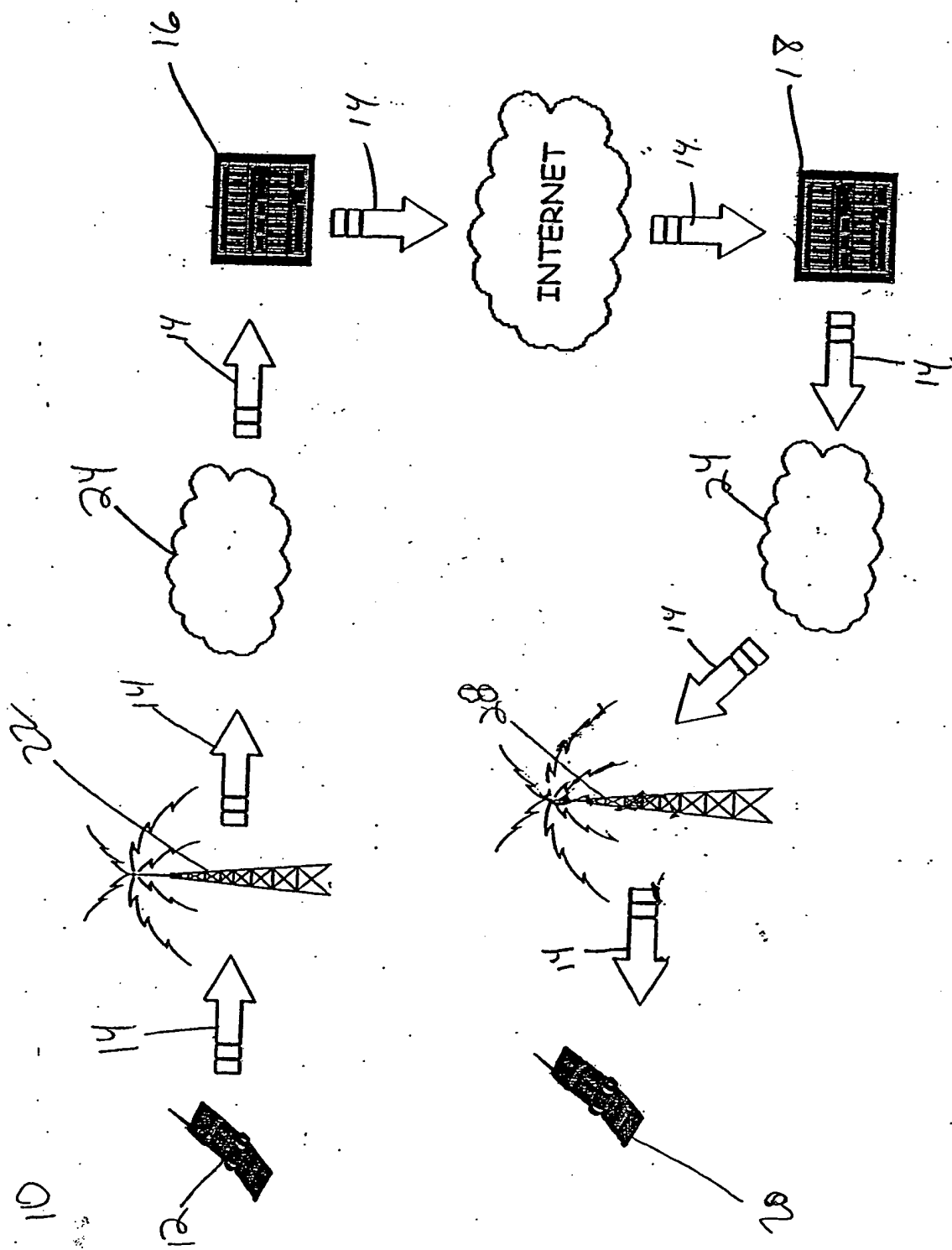
SIGNATURE

Michael Pascazi

DATE

10/9/01

Fig. 1



10

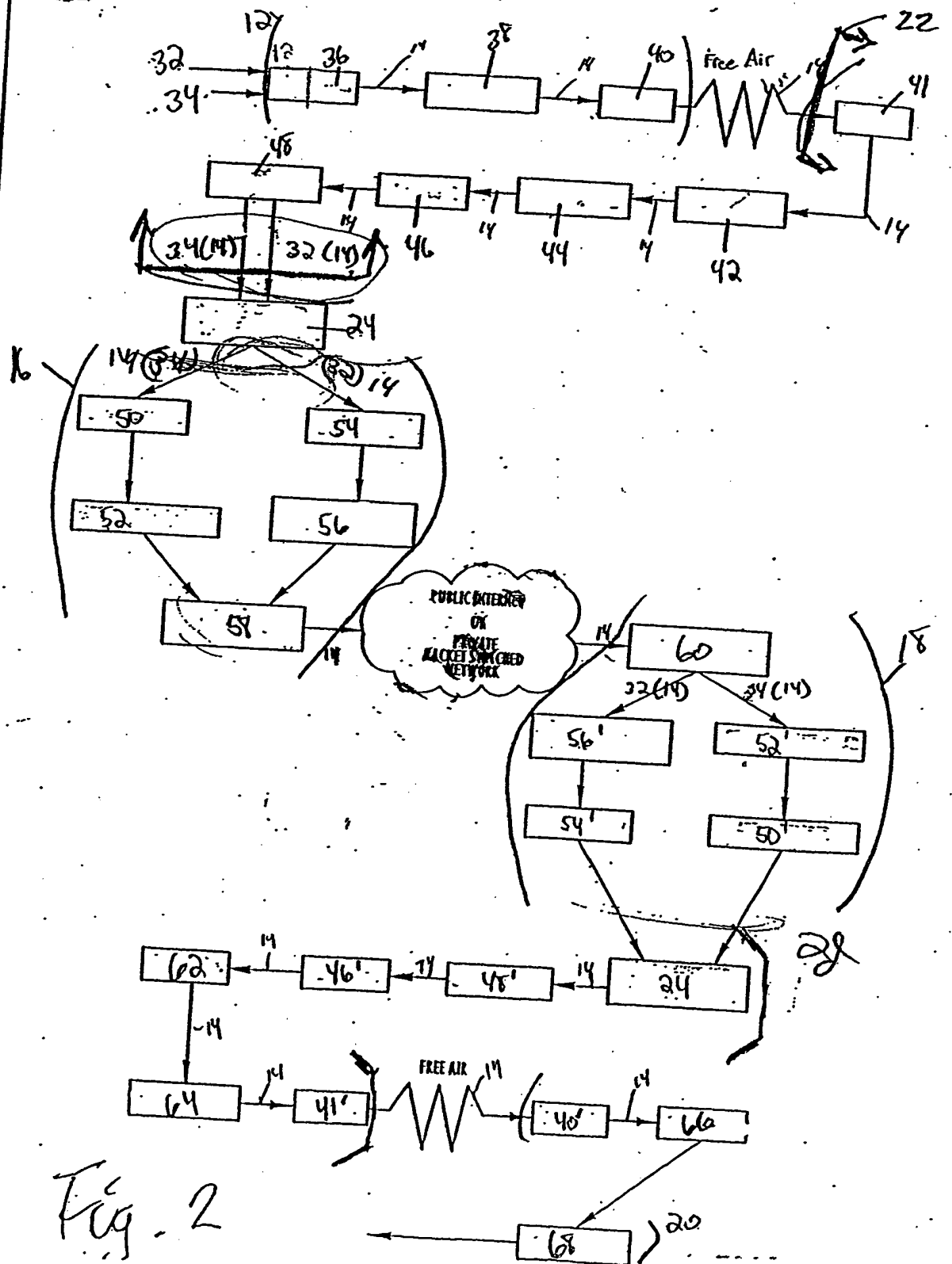


Fig 3a

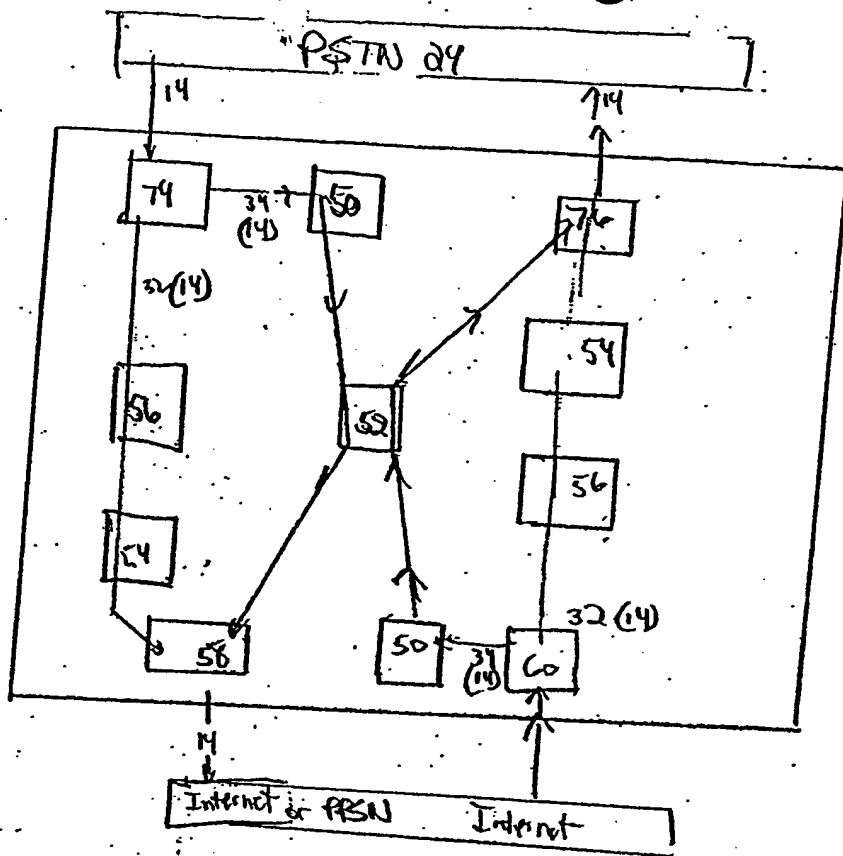


Fig 3b

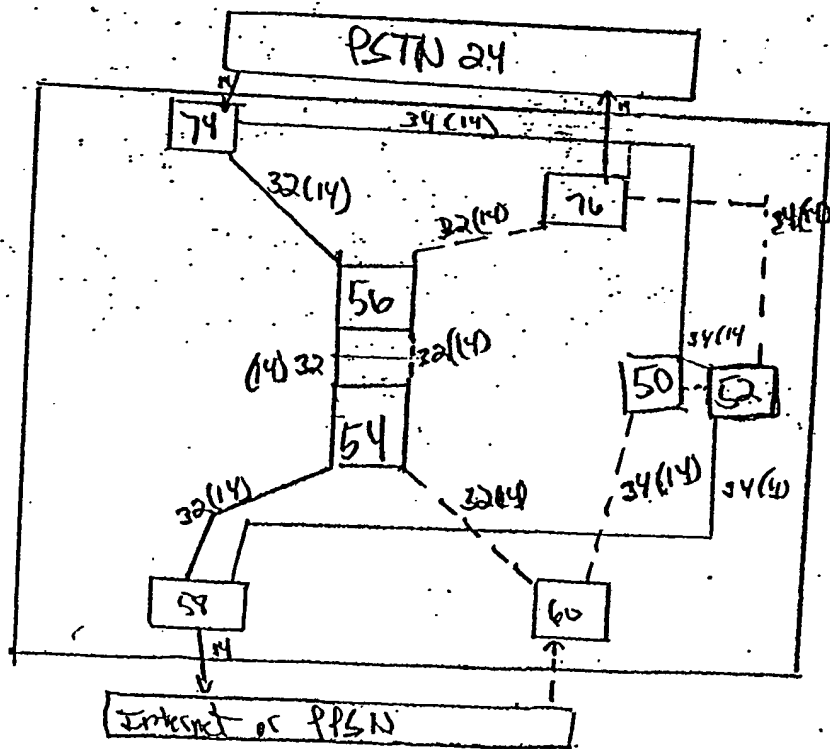


Fig. 4

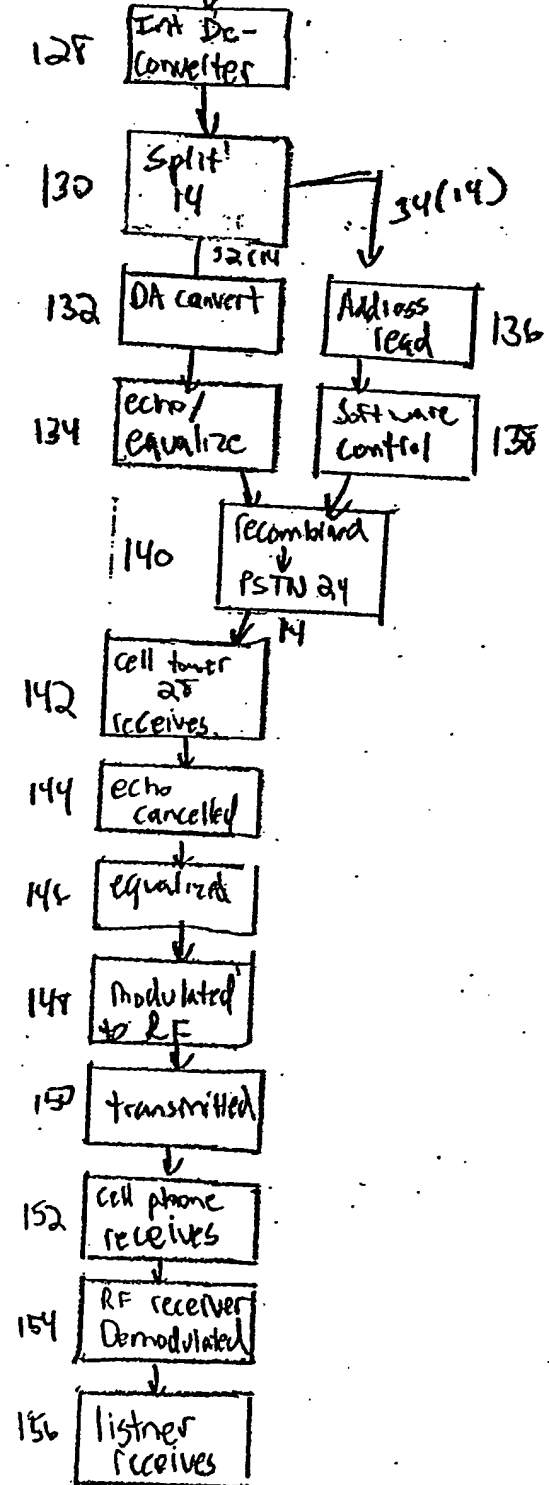
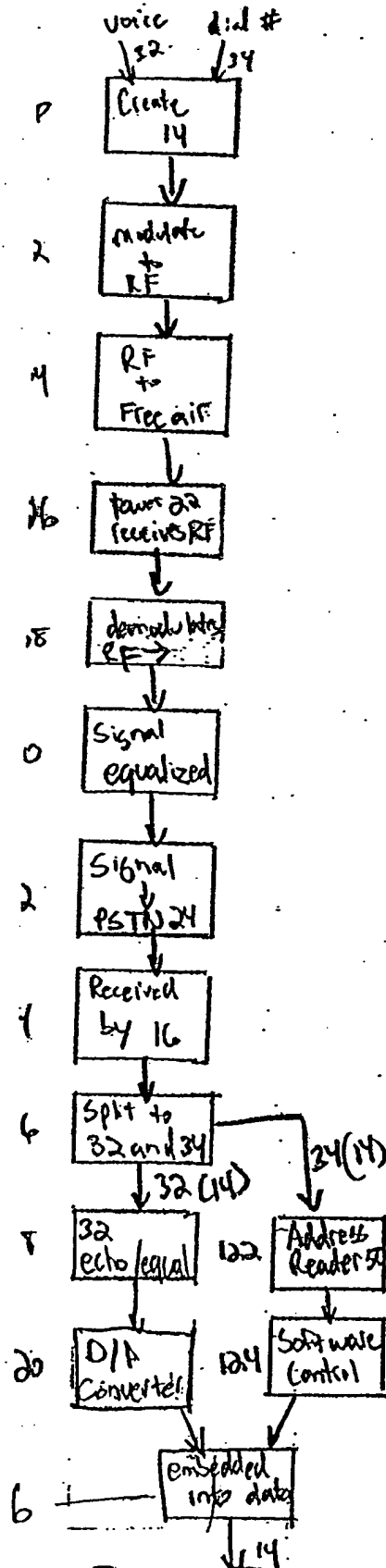


EXHIBIT 2

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

Documents:

- 1) Response to Notice to File Missing Parts
2) Notice to File Missing Parts
3) Certificate of Mailing 8) Informal Drawings
4) Return Postcard
5) Small Entity Form
6) Check for \$420.00
7) Declaration

Date Documents Mailed: October 15, 2001

-----For Application-----

Title: SYSTEM AND METHOD FOR CELL PHONE....

Serial No. 09/902,466

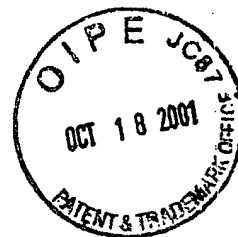
Art Unit: TBA

Docket No. 1844-002

Applicant: Michael Pascazi

Filing Date: July 10, 2001

Attorney: Robert M. Haroun



Mr. [unclear]

EXHIBIT 3



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/902,466	07/10/2001	Michael Pascazi	844-002

CONFIRMATION NO. 6786

ABANDONMENT/TERMINATION
LETTER

OC000000011364168

SOFER & HAROUN, L.L.P.
 317 MADISON AVE.
 SUITE 910
 New York, NY 10017

Date Mailed: 11/26/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/31/2001.

- No reply was received.


A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*


 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/902,466	07/10/2001	Michael Pascazi	844-002

CONFIRMATION NO. 6786

ABANDONMENT/TERMINATION
LETTER

OC000000011364168

SOFER & HAROUN, L.L.P.
 317 MADISON AVE.
 SUITE 910
 New York, NY 10017

Date Mailed: 11/26/2003

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

2681

Attorney Docket No. 844-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



-----X
In re Application of

Pascazi

Examiner: TBA

Group Art Unit: 2681

Serial No. 09/902,466

Filed: July 10, 2001

For: SYSTEM AND METHOD FOR CELL PHONE SIGNAL TRANSMISSION
VIA THE INTERNET
-----X

COMMUNICATION

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 25 2004

Technology Center 2600

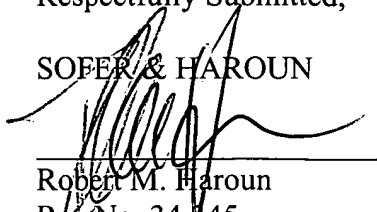
Dear Sirs:

My assistant spoke to Jay Patel of the PCT help desk today, May 18, 2004, and Ms. Patel informed my assistant that there is no record of the Petition to Withdraw Holding of Abandonment on file for the above-identified application. However, we are in receipt of a stamped postcard showing that the Petition was received on December 8, 2003 by the U.S. Patent Office. Ms. Patel advised us that we should re-submit a copy of everything that was filed on December 5, 2003, which I have enclosed.

Respectfully Submitted,

SOFER & HAROUN

By:


Robert M. Haroun

Reg. No. 34,645

317 Madison Avenue

Suite 910

New York, NY 10017

(212) 697-2800

Dated:

PATENT

Docket No. 844-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Pascazi
Serial No. : 09/902,466
Filed : July 10, 2001
For : SYSTEM AND METHOD FOR CELL PHONE...

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 25 2004

Technology Center 2600

Sir:

I hereby certify that the attached Communication, Re-Submission of documents filed on December 5, 2003, and Return Postcard along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By: Sandra Cirillo

Sandra Cirillo

Date: 5/18/04

Mailing Address:

SOFER & HAROUN, L.L.P.
317 Madison Avenue, Suite 910
New York, New York 10017
Tel:(212)697-2800
Fax:(212)697-3004

RECEIVED

MAY 25 2004

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

Documents:

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w/ Exhibits
- 2) Certificate of Mailing
- 3) Return Postcard

Date Documents Mailed: December 5, 2003

-----For Application-----

Title: SYSTEM AND METHOD FOR CELL PHONE..

Serial No.: 09/902,466 Applicant: Pascazi

Filed: July 10, 2001

Locket No.: 844-002

Attorney: Robert M. Haroun



12/12/03

Commissioner for Patents

F.O. Box 1450

Alexandria, VA 22313-1450

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Serial No.: 09/902,466 Applicant: Pascazi

Filed: July 10, 2001

Locket No.: 844-002

Attorney: Robert M. Haroun



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Pascazi
Serial No. : 09/902,466
Filed : July 10, 2001
For : SYSTEM AND METHOD FOR CELL PHONE...

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAY 25 2004

Technology Center 2600

Sir:

I hereby certify that the attached Petition to Withdraw Holding of Abandonment w/ Exhibits, and Return Postcard along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By: *Sandra Cirillo*
Sandria Cirillo

Date: 12/5/03

Mailing Address:

SOFER & HAROUN, L.L.P.
317 Madison Avenue, Suite 910
New York, New York 10017
Tel:(212)697-2800
Fax:(212)697-3004